



**JOHN DEERE**

Deere & Company  
Global Intellectual Property Services  
One John Deere Place, Moline, IL 61265 USA  
Email: [TMMolineEnforcement@JohnDeere.com](mailto:TMMolineEnforcement@JohnDeere.com)

**Suzanne Eagle**  
Trademark Attorney

December 4, 2008

**FILE COPY**

GatorMoto LLC  
Gator Imports  
Attn: Justin Jackrel  
4337 NW 35<sup>th</sup> Ter  
Gainesville, FL 32605-6026

**Re: Our Reference No. T1116**

Dear Mr. Jackrel:

We've received no response from the letter sent by our outside counsel to you dated May 13, 2008, a copy of which is enclosed.

Deere & Company continues to object to the use of GatorMoto, the use of the domain name gatormoto.com, and the use of the alligator design for the sale of utility vehicles and vehicles similar to utility vehicles. Also, Deere & Company objects to the use of Gator Imports, the use of the domain name gatorimports.com, and the use of an alligator design for the sale of utility vehicles and vehicles similar to utility vehicles. We must insist that your companies, GatorMoto and Gator Imports, cease use of Deere & Company's trademarks and modifications of Deere & Company's trademarks for the sales of utility vehicles and vehicles similar to utility vehicles.

Please write to advise us of your intention to comply with these requests as soon as possible. A self-addressed envelope is enclosed for your reply. We look forward to resolving these trademark issues in a timely fashion.

Sincerely,

Suzanne Eagle

SE/ajl

cc: Joyce M. Ferraro, Esq.  
Fross Zelnick Lehrman & Zissu, P.C.

**EXHIBIT**

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**FROSS ZELNICK LEHRMAN & ZISSU, P.C.**

RONALD J. LEHRMAN  
STEPHEN BIGGER  
ROGER L. ZISSU  
RICHARD Z. LEHV  
DAVID W. EHRLICH  
SUSAN UPTON DOUGLASS  
JANET L. HOFFMAN  
PETER J. SILVERMAN  
LAWRENCE ELI APOLZON  
BARBARA A. SOLOMON  
MARK D. ENGELMANN  
NADINE H. JACOBSON  
ANDREW N. FREDBECK  
CRAIG S. MENDE  
J. ALLISON STRICKLAND  
JOHN P. MARGIOTTA  
LYDIA T. GOBENA  
CARLOS CUCURELLA  
JAMES D. WEINBERGER  
DAVID DONAHUE  
NANCY E. SABARRA

866 UNITED NATIONS PLAZA  
AT FIRST AVENUE & 48<sup>TH</sup> STREET  
NEW YORK, N. Y. 10017

TELEPHONE: (212) 813-5900  
FACSIMILE: (212) 813-5901  
E-MAIL: fzfz@frosszelnick.com

MICHAEL I. DAVIS  
SPECIAL COUNSEL

JAMES D. SILBERSTEIN  
JOYCE M. FERRARO  
MICHELLE P. FOXMAN  
ROBERT A. BECKER  
MICHAEL CHIAPPETTA  
EVAN GOURVITZ  
TAMAR NIV BESSINGER  
DIANE MARCOVICI PLAUT  
COUNSEL

NANCY C. OICENZA  
LAURA POPP-ROSENBERG  
CARA A. BOYLE  
CHARLES T.J. WEIGELL III  
MARILYN F. KELLY  
CAROLINE D. BOEHM  
VANESSA HWANG LUI  
DOROTHY C. ALEVIZATOS  
BETSY JUDELSON NEWMAN  
NICHOLAS H. EISENMAN  
KATE HAZELRIG  
TODD MARTIN

May 13, 2008

**BY FEDEX**

Justin Jackrel  
GatorMoto LLC  
4337 NW 35<sup>th</sup> Ter  
Gainesville, Florida 32605-6026

Re: Infringement of John Deere's GATOR Trademarks (Our Ref: DEER TC-0807080)

Dear Mr. Jackrel:

We represent Deere & Company ("John Deere"). For more than fifteen years John Deere has used its well-known GATOR trademark and related marks (collectively, the "GATOR Marks") in connection with a wide variety of motorized utility vehicles and battery powered riding toys. Through our client's significant investment of time, money and effort, the GATOR Marks have come to represent enormous and valuable goodwill.

In addition to its substantial common law rights, our client owns several trademark registrations for its GATOR Marks throughout the world, including U.S. Reg. No. 1,798,626 of GATOR for "all-terrain motorized cart weighing under six thousand pounds for use in material transport," U.S. Reg. No. 1,756,713 of an alligator design for "all-terrain motorized cart for use in material transport," and U.S. Reg. No. 2,853,350 of PRO GATOR for "heavy duty utility vehicles for commercial and industrial use." These registrations are valid, subsisting and in full force and effect and serve as conclusive evidence of our client's exclusive right to use its GATOR marks in connection with the goods identified therein. Copies are enclosed for your reference.

Our client recently learned that your company is using the GATORMOTO mark and trade name, as well as a logo prominently featuring an alligator, in connection with the sale of scooters, go carts, golf carts, electric vehicles, and various other motorized vehicles and has applied U.S. Trademark Application Serial No. 77/307,349 seeking registration of GATORMOTO for "Scooters; Go carts; Low-speed electric vehicles." Given that your

Mr. Justin Jackrel  
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company's mark, excluding the generic and non-source-identifying term "MOTO," is identical to our client's GATOR mark and that your company's goods are identical and/or closely related to the goods our client offers under its well-known GATOR Marks, your company's adoption of the GATOTMOTO mark is likely to cause confusion among the consuming public by creating the appearance of a connection or relationship between your company and our client when no such relationship exists.

Your company's use of the GATORMOTO mark violates our client's rights in its GATOR Marks under Sections 32(1), 43(a) and 43(c), of the U.S. Trademark (Lanham) Act, 15 U.S.C. §§ 1114(1), 1125(a), 1125(c), and various state laws. Our client's remedies for such violations include not only injunctive relief against your company's continued use, but also recovery of your company's profits and our client's damages, which may be trebled, and our client's attorneys' fees. 15 U.S.C. § 1117(a).

In light of the foregoing, our client has obtained an extension of time to oppose your company's trademark application and is prepared to take appropriate legal action to enforce its valuable rights. It has instructed us, however, to contact you in the first instance to see whether your company will voluntarily agree to resolve this matter without the need for further action. Toward that end, we ask that your company confirm in writing **within ten days of the date of this letter** that it will do the following:

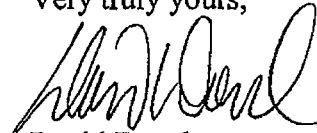
1. immediately abandon its pending application to register GATORMOTO;
2. permanently cease using and refrain from seeking to register the GATORMOTO mark, or any other mark that includes in whole or in part the word GATOR or any alligator likeness, in connection with vehicles of any kind, including, without limitation scooters, go-carts or golf carts, or with any retail or wholesale services offering the aforementioned goods;
3. cease use of the domain name *gatormoto.com* and the contents of the website associated therewith, transfer the domain name to our client, and undertake in writing not to register, own, maintain or otherwise use any domain name that includes the term GATOR; and
4. cease use of the GATORMOTO mark, or any other mark that includes in whole or in part the word GATOR, as an internet search term, keyword or metatag associated with your company's products on any web site.

Please be advised that if we cannot resolve this matter to our client's satisfaction our client is prepared to take whatever steps it deems necessary to protect its valuable rights in the GATOR Marks.

Mr. Justin Jackrel  
GatorMoto  
May 13, 2008  
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This letter is written without waiver of any of our client's rights, claims and remedies, all of which are expressly reserved.

Very truly yours,



David Donahue

cc: Joyce M. Ferraro, Esq.  
Betsy Newman Judelson, Esq.